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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/678,885

10/03/2000

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26884 7590 05/22/2008
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EXAMINER

RUDY, ANDREW J

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/678,885
Filing Date: October 03, 2000
Appellant(s): WHITE, DANIEL F.

David M. Lockman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 21, 2008 appealing from the Office action mailed April 30, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,158,948 Rodriguez et al. 1-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. US 7,158,948.

Rodriguez discloses, e.g. Figs. 1A-7B, a purchase transaction, e.g. 702, formatting transaction data into a digital receipt, e.g. e-receipt, selectively omitting identified purchase transaction data, e.g. col. 4, lines 45-59, an optical card machine, col. 3, lines 23-44, transmitting the digital receipt to a storage location for the merchant, e.g. 320, 322, a network, e.g. 202, Figs. 3A, 3B, and a device, e.g. safe card. Rodriguez does not specifically disclose a retail terminal, but does disclose a terminal, e.g. cols. 1-2, lines 65-12, used with purchase transaction settings. Nonetheless, Official Notice is taken that retail terminals used with electronic cards has been common knowledge in the art. To have provided such for Rodriguez would have been obvious to one of ordinary skill in the art. The motivation for having done such would have been using retail terminals for its intended use.

(10) Response to Argument

Applicant's March 21, 2008 REMARKS have been reviewed, but are not convincing.

Applicant's REMARKS regarding the Official Notice are noted. However, Applicant has conceded this Official Notice statement, i.e. that retail terminals used with electronic cards has been common knowledge in the art, as no traversal of such has been taken. Thus, all the REMARKS directed towards Rodriguez and retail terminals are not convincing as Applicant is arguing a point that has been conceded by the Applicant. The motivation that one of ordinary skill in the art has the technical ability to combine the features of Rodriguez and Official Notice and when combined the features contribute an equivalent function as each feature did separately. The market force of using the features of Rodriguez and Official Notice would have lead one of ordinary skill in the art to provide such and its results are deemed predictable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Andrew Joseph Rudy

/Andrew Joseph Rudy/

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